THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION Nos.17741, 18524, 18525 and 18775 of 2004

COMMON ORDER *(Per the Hon'ble Sri Justice Bilal Nazki):*

All these writ petitions raise same questions of law, hence, they are being disposed of by this common order. Petitioners are different, property is different and respondents are same.

The grievance of the petitioners is that after passing of G.O.Ms.No.513 MA Municipal Administration & Urban Development (J2) Department, dated 15-10-2001, the Municipality- first respondent could not issue the demand notices demanding property tax.

G.O.Ms.No.513 has been issued in terms of the powers conferred on the Government under Section 389-B of the Andhra Pradesh Municipalities Act, 1965. By this G.O, the Government transferred the power of collection of property tax from Municipality to the Andhra Pradesh Industrial Infrastructure Corporation Limited (APIIC)-second respondent and also directed that the tax so collected shall be shared between the Municipality and the APIIC in the proportion of 35:65.

Learned counsel for the petitioners submits that the demands raised by the Municipality, after 15-10-2001 when

G.O.Ms.No.513 was issued, were without jurisdiction and the Municipality had no power to raise such demands.

Counsel for the first respondent is present, but no counter-affidavit has been filed. In the counter-affidavit filed by the second respondent, they have almost agreed with the contentions of the petitioners and claimed that under G.O.Ms.No.513, they are competent to collect the property tax and after its collection, a share of the tax would go to the Municipality.

Since G.O.Ms.No.513 is clear that the collection of property tax would be made by the APIIC-second respondent, we allow these writ petitions, set aside the demands raised by the Municipality-first respondent and give liberty to the second respondent to collect the tax from the petitioners. The petitioners shall not raise any objection with regard to the period of limitation, if a demand for recovery is made by the second respondent as far as the period for which the stay of this Court was operative. No order as to costs.

(Bilal Nazki,J)

Dated 5th February, 2007

(Nooty Ramamohana Rao,J)

vm